THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :26121 of 2007

DATED:07-12-2007

BETWEEN:

Pydi Subbarayudu & another.

..... PETITIONERS

AND

The Joint Collector,
Kadapa District & 16 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioners as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioners seek a writ of mandamus declaring the action of the respondents 2 & 3 in resuming Ac.5.00 of patta land of the 1st petitioner under DKT patta No.356/97, dated 08-11-1987, in S.No.0.931/B1/D1 and Ac.3.00 of patta of the 2nd respondent under DKT patta No.855/97, dated 08-11-1997, in Sy.No.9/831/B/D2 of Poli village, Rajampet mandal, Kadapa District to the Government even before the disposal of the appeal No.E3/3646/2007 and stay petition on the file of the 1st respondent, as illegal and arbitrary.

3. It is the case of the petitioners that the 1st petitioner was assigned an extent of Ac.5.00 in Sy.No.831/B/D1 and the 2nd petitioner was assigned an extent of Ac.3.00 in Sy.No.831/B2/D2 situated at Poli village, Rajampet mandal, Kadapa District vide DKT Nos.356 and 855 of 1997 by the then Revenue Divisional Officer, Rajampet mandal. Whileso, one N.Penchalaiah and 24 others of the same village made a complaint that in fact, the DKT pattas were granted in their favour in Sy.No.831/B1/D1 and 831/B/DF etc., of Poli village in 1987, but they have not shown the actual land even though they have been cultivating the said land. It appears the Mandal

Revenue Officer, Rajampet submitted a report to the Revenue Divisional Officer, and the Revenue Divisional Officer after conducting enquiry passed order, dated 12-09-2007, in Ref.No.B/1558/2006 after giving reasonable opportunity to all the concerned and came to the conclusion that the said assignees of the land to the persons, who belong to the Scheduled Caste community and who have been granted DKT pattas without any proper sub-division records and taking advantage of the situation, petitioners obtained DKT pattas fifteen days later managing the rough sketch through a relative who was the Mandal Surveyor claiming that the petitioners have been cultivating the said land and the suit filed was decreed granting an injunction keeping it open for the authorities to cancel the DKT pattas by following due process of law and accordingly enquiry has been conducted.

4. The Revenue Divisional Officer, having regard to the facts and circumstances of the case, came to the conclusion that the petitioners have obtained the DKT pattas in respect of a non-existing cultivable land of the said survey number which was already been assigned in favour of Smt.Rangala Subbamma and others and the DKT pattas granted in favour of the petitioners were cancelled including the pattadar pass books, title deeds pursuant thereto. It is stated that pursuant to the order of the Revenue Divisional Officer, petitioner filed an appeal No.E/3846/07 before the Joint Collector, Kadapa and the said appeal is pending. The only grievance of the petitioner is that even before the appeal is considered and disposed of, respondents 2 and 3 are taking steps to dispossess the petitioner.

5. I am inclined to express any opinion with regard to the

merits of the case as to who is in possession of the said land; whether the official respondents are in possession or the petitioner is in possession.

6. Having regard to the facts and circumstances, 1st respondent is directed to consider and dispose of the appeal No.E/3846/06, and pending the appeal *status quo,* obtaining as on today, with regard to possession shall be maintained.

7. Accordingly, Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

07th December, 2007.
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